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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/537,135

06/02/2005

Karen I Trovato

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01/26/2010

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

LEE, Y YOUNG

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

01/26/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/537,135	<b>Applicant(s)</b> TROVATO, KAREN I	
	<b>Examiner</b> Y. Lee	<b>Art Unit</b> 2621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 June 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because all diagrammatic blocks and features in Figures 1 and 2 are required to be distinctly labeled to indicate contents or function with legends (37 C.F.R. 1.83(a), 1.84(o)) since they are necessary for understanding of the drawing. Correction is required.

### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities: line 1, "A" should be changed to --An--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-18, 21, and 22 are rejected under 35 U.S.C. 102(a) as being anticipated by Gutta et al (WO 02/071315).

Gutta et al, in Figures 1 and 2, discloses an automatic positioning of display depending upon the viewer's location that is the same apparatus as specified in claims 1-18, 21, and 22 of the present invention, comprising a device 24; an arm assembly 36 having a first end 32 connected to a fixed support 28 and a second end 40 connected to the device 24, the arm assembly being having actuating means 36 for positioning the device 24; a sensor 48 configured

Art Unit: 2621

to detect and provide information about a subject 10 within a sensing range of the device 24; and a processor 52 to process the information, the processor 52 being configured to determine a location (e.g. Fig. 1) of the subject 10, determine a first location for the device 24 and control the actuating means 36 to move the arm assembly to position the device 24 at a second location proximate to the first location (e.g. Fig. 2).

With respect to claims 2-18, 21, and 22, Gutta et al also discloses the first location and the second location are the same (e.g. no adjustment); the processor determines a path of the movement of the arm assembly to the second location using inverse kinematics (e.g. Fig. 2); wherein the processor determines a path of the movement of the arm assembly to the second location using path planning (e.g. dotted lines and arrows in Fig. 2); wherein the fixed support is a single a pole 32; wherein the device is a lens and thyroid protector (e.g. video projection screen); wherein the second location is chosen from two or more predetermined positions (e.g. Fig. 2); wherein the processor causes the actuating means of the arm assembly to move the device to a rest position if the subject is not detected (e.g. default position); a second sensor, the second sensor being configured to detect the presence of a person who is not the subject and being operatively coupled to the arm assembly to prevent movement of the arm and the device if any said person who is not the subject is detected (e.g. face recognition); wherein the first location is determined based on optimal use of the device by the subject (e.g. pre-programmed adjustments); and wherein the first location is determined based on optimal viewing by the subject through the device (e.g. facing the subject).

Art Unit: 2621

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gutta et al in view of Jeong (6348,928).

Although Gutta et al discloses the positions of the subject 10 and device 24 are monitored with respect to each other, it is noted Gutta et al differs from the present invention in that it fails to particularly disclose a warning is displayed on a screen if certain changes in the positions are detected. Jeong, however, teaches the concept of such well known technique wherein the positions of the subject and device 1 are monitored with respect to each other and an alarm 50 is activated if certain changes in the positions are detected.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, having both the references of Gutta et al and Jeong before him/her, to exploit the well known warning technique in the apparatus of Gutta et al in order to allow the viewer to watch television comfortably.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y. Lee whose telephone number is (571) 272-7334. The examiner can normally be reached on (571) 272-7334.

Art Unit: 2621

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Young Lee/  
Primary Examiner  
Art Unit 2621

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